



Department of Energy
Environmental Management
Policies and Procedures

USE OF NON-DOE FACILITIES FOR DISPOSAL OF LOW LEVEL OR LOW LEVEL
MIXED WASTES

EM-8.2
Revision 0

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LIST OF ACRONYMS

LLW	Low-Level Waste
EPA	U.S. Environmental Protection Agency
DOE	U.S. Department of Energy
ORO	Oak Ridge Operations
OR	Oak Ridge
PAD	Paducah
PORTS	Portsmouth
WSS	Weldon Spring Site
NEPA	National Environmental Policy Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
RCRA	Resource Conservation and Recovery Act
TSCA	Toxic Substance Control Act
AMEM	Assistant Manager for Environmental Management
HQ	Headquarters
EH	Environmental Health
EM	Environmental Management
PSO	Program Secretarial Officer
LDR	Land Disposal Restrictions

1.0 PURPOSE

The purpose of this procedure is to define a systematic process for Disposal of Low Level Wastes (LLW) or Mixed LLW at non Department of Energy (DOE) Facilities and the process for gaining exemption from DOE Order DOE O 435.1 (or 5820.2A until 7/9/2000) when using a non-DOE facility for disposal of LLW. While the preference is for treatment, storage, or disposal of DOE radioactive waste at a DOE site, the goal in waste disposal is to seek the most practical disposal method, especially if it is at a lower cost.

2.0 SCOPE

This procedure applies to all DOE Oak Ridge Operations (ORO) Environmental Management (EM) and EM support staff at Oak Ridge (OR), Paducah (PAD), Portsmouth (PORTS), and Weldon Springs Site (WSS), including support service contractors, performing off-site disposal activities for LLW and Mixed LLW.

3.0 REFERENCES AND DEFINITIONS

3.1 REFERENCES

- 3.1.1 July 9, 1999, DOE Order DOE O 435.1, Radioactive Waste Management (also Manual and Implementation Guide)
- 3.1.2 National Environmental Policy Act (NEPA)
- 3.1.3 September 26, 1988, DOE Order 5820.2A, Radioactive Waste Management, (cancelled by DOE Order DOE O 435.1, Radioactive Waste Management)
- 3.1.4 August 27, 1996, Guidance Letter, Requests for Exemption from Order 5820.2A to Authorize Commercial Disposal of DOE Low-level and Mixed Low-level Wastes, Tara O'Toole
- 3.1.5 October 24, 1996, Guidance Letter, Delegation of Authority to Grant Exemptions to Department of Energy Order 5820.2A to Allow for the Use of Commercial Facilities for Disposal of Department of Energy Low-level Waste, Al Alm
- 3.1.6 September 30, 1996, DOE Order DOE O 200.1, Information Management Program

3.2 DEFINITIONS

- 3.2.1 None noted.

4.0 RESPONSIBILITIES

The ORO Field Element Manager is responsible for ensuring that the exemption for the non-DOE waste facility is properly exercised. This responsibility has been delegated to Rod Nelson, ORO Assistant Manager for Environmental Management (AMEM).

5.0 PROCEDURE

- A. Prior to shipping LLW and Mixed LLW to a non-DOE facility, the generator must prepare the exemption request for submittal by the Field Element Manager that ensures the facility is compliant with applicable laws and regulations, is cost effective as compared to a DOE site, the waste meets the facility's Waste Acceptance Criteria, and the facility has been evaluated under NEPA. If it is a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) action, NEPA values are incorporated into the CERCLA document.
- B. An exemption letter (see Attachment A, Exemption Letter Example) from the generator must be approved by the AMEM and concurred by the Group Leader, Environmental Services Group, by the Team Leader, Waste Management and Technical Integration Team, and by the DOE Order 435.1 Coordinator.
- C. Prior to granting the exemption, the Field Element Manager must consult and notify both internally and externally. Those to be consulted include:
 - (a) The compact organization. Contacts are located at <http://www.inel.gov/national/status2b.htm>. Next click on the appropriate compact or unaffiliated state and then click "Who's Who" that will take you to the list of contacts.
 - (b) The State Regulatory Agency and compact organization of the host state.
- D. The results of the consultations will be documented in the exemption request.
- E. After the exemption request to use a non-DOE facility has been signed by the Field Element Manager, but prior to exercising the exemption, notification of Headquarters (HQ), specifically to include consultation with HQ Environmental Health (EH) is required. Information to be provided in notification is as follows: (Note: this requirement is met by including all information below in the exemption request and providing to EH-41 as described in section 5.0 F.
 - (a) a description of the waste stream including characteristics and expected quantities;

- (b) alternatives evaluated for the management of the waste, including onsite management, management at another DOE site, and management at a non-DOE facility, including a description of why a DOE facility is not available or the use is impractical;
 - (c) documentation of alternative disposal sites cost evaluation analysis;
 - (d) documentation of the annual review/audit and conclusions made regarding the facility's regulatory and operational acceptability;
 - (e) documentation of the environmental review supporting the action;
 - (f) documentation that all applicable Nuclear Regulatory Commission, Environmental Protection Agency, Department of Transportation, and state regulations have been met;
 - (g) documentation of consultation held with the host state and, if applicable, state compact; and
 - (h) documentation showing the approval of the exemption request by the Field Element Manager or delegated authority.
- F. A copy of the complete exemption request must be sent to EH-41 and EM-30; and the lead Program Secretarial Officer (PSO) which for OR is SC-1. Concurrence must be obtained from the DOE-ORO 435.1 Coordinator, Harvey Rice, EM-921. The exemption should be sent with a cover memo requesting review to Andrew Wallo, Director, Air, Water and Radiation Division, EH-412, with a copy to Edward P. Regnier, EH-412.
- H. The exemption request will not be considered approved until the items in section 5.0 E have been addressed.
- I. If EH-41 has any issues, it will notify the Field Element Manager within 15 working days. The issues must be resolved. If a response is not received within 15 working days, the Field Element Manager will assume there are no objections from EH and further consultation is not required.
- G. If an exemption spans a period greater than one year, an annual update to the environmental review/audit must occur.
- H. Once EH-41 issues have been resolved or 15 working days have passed with no response the exemption can then be exercised.

6.0 RECORDS

All records generated as a result of this procedure will be maintained and managed in accordance with DOE Order DOE O 200.1.

Specifically, the exemption, consultation documentation, and documentation from EH-412, EM-30, and the PSO are considered quality records and will be retained for at least three years in the appropriate site's records retention center. Thereafter, final retention will be the responsibility of the Federal Records Archive located in Atlanta, Georgia.

**U.S. Department of Energy
Oak Ridge Operations
Environmental Management**

**Procedure No. EM-8.2 Rev. 0
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Low Level or Low Level Mixed Wastes**

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ATTACHMENT A

Exemption Letter Example

This attachment, REQUEST FOR REVIEW OF DEPARTMENT OF ENERGY ORDER 435.1 EXEMPTION REQUEST FOR DISPOSAL OF MIXED LOW-LEVEL WASTE AT ENVIROCARE OF UTAH, dated February 7, 2001, (23 pages, including 4 attachments) is provided as an example.